

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 16168 of 2004

Between:

Nara Kanaka Maha Lakshmi W/o N.Venkata Satyanarayana
Hindu, aged about 44 years, House wife, D.No.17-2-7, Jamindar
Metta, Beside Annapuran Nursing Home A.P.P.M.Road,
Rajahmundry, E.G.District.

..... PETITIONER

AND

- 1 Bhupathiraju Rama Krishnam Raju, Pulp Mill Department,
Token No.3687, A.P. Paper Mills, Rajahmundry
East Godavari District.
- 2 B. Ratna Manikaym, W/o B. Rama Krishnam Raju,
Store Keeper, Government District Head Quarters, Rajahmundry,
E.G. District.
- 3 N. Usha Sree, F-14/15, APPM Quarters, Mallayyapet,
Rajahmundry, E.G. District.
- 4 The Station House Officer, III Town Police Station,
Rajahmundry, E.G. District.

5 The Deputy Superintendent of Police, Rajahmundry,

E.G. District. RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of Habeas Corpus directing the respondents to produce the petitioner's son namely Nara Uma Kasi Viswanath before this Court and issue appropriate direction.

Counsel for the Petitioner: MR.V.S.K.RAMA RAO

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court at the admission stage made the following:

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ORDER: (Per the Hon'ble Sri Justice G. BIKSHAPATHY)

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The writ petition is filed seeking a writ of Habeas Corpus directing the respondents to produce the son of the petitioner by name Nara Uma Kasi Viswanath.

2. The petitioner is the mother of one Nara Uma Kasi Viswanath and earlier he was married to one Kanaka Durga Sowjanya on 21-02-2003. After living for about six months, it appears that he started moving with another lady by name Usha Sree, third respondent herein. Since he was not to be seen, third respondent herein-N. Usha Sree filed W.P.No.19292 of 2003 to produce her husband-Nara Uma Kasi Viswanath before this Court. A Division Bench of this Court passed an order dated 22-09-2003 in W.P.19292 of 2003 which reads as follows:

" Ms. Nara Ushasree 1st petitioner herein, and the alleged detenue Mr. Uma Kasi Viswanath are present. We have talked to them in the Chambers. Mr. Uma Kasi Viswanath says that there is no restriction on his movements and that he would like to live and stay with the petitioner No.1 Mr. Nara Ushasree. They have also expressed their intention to live together and to that effect they have given a letter in writing signed by both of them in our presence in the

Chambers and the said letter shall form part of this record.

In view of the above, no further action deserves to be taken in this matter. The writ petition is closed.”

3. It is the case of the petitioner herein, who is the mother of Nara Uma Kasi Viswanath that after they were produced in the Court, his son is not to be seen and she made hectic efforts to trace him and also filed a complaint before the police, but in vain. Therefore, she seeks appropriate direction including the writ of Habeas Corpus.

4. We are afraid, we find that the writ petition itself is not maintainable when once the son of the petitioner was produced in the Court on a complaint made by his wife-Usha Sree and was let off. Under those circumstances, this Court cannot take repeated exercise to ensure that the son of the petitioner is again produced. The application is not filed by the wife seeking a writ of Habeas Corpus. If at all the mother is interested in seeing his son, it is for her to make appropriate arrangements and it is not the case of petitioner that his son was illegally detained in the custody either by private party or by Police. Thus, we do not find any merit in the writ petition and the same is liable to be dismissed.

5. The writ petition is accordingly dismissed. No costs.

(G. BIKSHAPATHY, J)

Date:10-09-2004

(Ch.S.R.K. PRASAD, J)

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To

1 The Station House Officer, III Town Police Station,
Rajahmundry, E.G. District.

2 The Deputy Superintendent of Police, Rajahmundry,
E.G. District.

3 Two CCs to the Advocate General, High Court of A.P., Hyderabad.
(o.u.t.)

4 Two CD copies